

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF TEXAS**  
**HOUSTON DIVISION**

**CHRISTOPHER WARD**

**CIVIL ACTION NO.: 14-2176**

**VERSUS**

**JUDGE:**

**ELLIOTT TURBOCHARGER GROUP,  
INC., TOMMY MONTIER and  
DAN HUSKY**

**MAGISTRATE:**

**JURY DEMANDED**

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**COMPLAINT FOR DAMAGES**

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**NOW INTO COURT**, through undersigned counsel, comes Plaintiff, Christopher Ward, an individual of the full age of majority and domiciled in the State of Louisiana, who respectfully represents:

1.

This matter is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), *et seq.*, and under the supplemental jurisdiction of 28 U.S.C. §1367 for state law claims of sexual harassment and wrongful termination and/or retaliation for failing to submit to sexual harassment, intentional infliction of emotional distress, and battery.

2.

Venue is proper pursuant to 28 U.S.C. § 1391 (b) (2), as Houston, Texas is the judicial district in which a substantial part of the events or omissions giving rise to the

claim occurred. The judicial district encompassing Houston, Texas is the Southern District of Texas.

3.

Made defendant herein is:

1. **ELLIOTT TURBOCHARGER GROUP, INC**, upon information and belief, an incorporated business, authorized to do and doing business at all times relevant, within the State of Texas, who can be served with process on its registered agent, Lee Gibson, at 2 Crescent View, Woodlands, Texas 77381; and
2. **TOMMY MONTIER**, upon information and belief, a person of the full age of majority and domiciled in the State of Texas; and
3. **DAN HUSKY**, upon information and belief, a person of the full age of majority and domiciled in the State of Texas.

4.

Plaintiff, Christopher Ward was employed with Elliott Turbocharger Group, Inc. (“Elliott”) from October 2012 through April 24, 2013.

5.

During his employment with defendant, Elliot, plaintiff, Christopher Ward was subjected to a pattern of conduct in violation of his civil rights and human rights, caused by,non-consensual sexual harassment, thus creating an intimidating, hostile and offensive work environment, in violation of Title VII of the Civil Rights Act of 1964.

6.

Christopher Ward filed charges with the EEOC, complaining of the sexual harassment he endured from Dan Husky and Tommy Montier while working for Elliott. Christopher Ward received a Right to Sue letter from the EEOC on May 2, 2014.

7.

Christopher Ward started working for Elliott Group in October or November of 2012 as a foreman. On April 16, 2013 the workplace discrimination began. Specifically, Mr. Ward was on the deck at or around 7:00 p.m. when he heard one of the five men standing behind him say “look at that faggot.” Ward turned around to ask who had made the comment but the men walked away. One of the men in the group, Dan Husky, asked what was said. Ward simply responded that he did not want to hear that again. During the night, the men continued to comment, saying things like “Faggot” and “Cock Sucker.”

8.

On the following day between 5:15 and 5:30, Ward reported the incident to Tommy Montier one of his supervisors about the incident. Mr. Montier asked that Ward not repeat the information to anyone else and reported he would take care of the incident. Later that evening, Ward asked Montier if he had spoken with the men and he indicated that he had.

9.

. At 8:45 that same evening, Dan Husky told another employee that he had heard Ward had sued another employer for sexual harassment. Eric Willis then responded that “that Fag don’t need to be a boss, that he tried to get rid of me more than one time and that this Queer needs to go.”

10.

On April 18, 2013 at or about 4:30 a.m. Dan Husky called Ward a fag. Ward reported the name calling to Tommy Montier and Montier told Ward to stop being a sissy and to just do his job.

11.

Ward also reported the incidents to Joel Wilson and Wilson said he would take care of it. However, for the majority of the night on April 18, 2013, Ward could hear the men yelling that he was a fag or a cock sucker. The name calling continued through April 20, 2013.

12.

On April 21, 2013, Ward found the word Fag keyed into the side of his work truck, on the driver side door. That same evening between 6 and 6:30 p.m., Ward had a meeting with Joel Wilson, Tommy Montier, Brett Sonnier, April Erving, Frank Gonzales and Nathan Gregory to report all that had been occurring. There was a discussion about sexual harassment with everyone present, specifically that the same would not be tolerated and if anyone had a problem to report it to Tommy Montier.

13.

Unfortunately on the very next day the name calling continued. Nothing changed. Ward then spoke with Dan Breaud, another of his supervisors, on April 23, 2013. Breaud advised Ward that Ward did not have to complete any paperwork about the incident; Breaud said he would take care of everything.

14.

On April 24, 2013 at approximately 12:15 a.m., Dan Huskey came up behind Ward and jammed his thumb up Ward's rear end and yelled "Bean Dip." Ward told

Huskey he wanted to go to the office and report it; Huskey responded that no one would believe Ward. Ward, having enough of, went to Montier's office to report the incident. He told Montier what had happened and Montier told him to get out of the office. About 45 minutes later Montier found Ward and fired him.

15.

Defendant, Elliott, is liable to plaintiff, Christopher Ward for sexual harassment pursuant to Title VII and Texas State Law. Elliott is also liable to plaintiff, Christopher Ward for retaliation pursuant to Title VII and wrongful termination pursuant to Texas State Law.

16.

Dan Husky's conduct was extreme and outrageous and he desired to inflict severe emotional distress upon plaintiff and/or knew or should have known that plaintiff would suffer severe emotional distress.

17.

As a result of the above, defendant, Kristopher Lewis is liable to plaintiff for the torts of intentional infliction of emotional distress and battery.

18.

At all times material and present, Dan Husky and Tommy Montier, were working within the course and scope of their employment with Elliott and therefore, Elliott is vicariously liable for the acts of its employees, Dan Husky and Tommy Montier.

19.

As a result of said acts of described above, Christopher Ward has suffered damages in the following particulars:

- a. Severe mental and emotional distress and psychological damages;
- b. Loss of self-esteem;
- c. Loss of wages and employment;
- d. Punitive damages pursuant to Title VII of the Civil Rights Act of 1964;
- e. Attorney's fees pursuant to Texas State Law and Title VII; and
- f. Court costs.

**WHEREFORE**, petitioner, Christopher Ward, prays that this complaint be filed and that defendants, Elliott Turbocharger Group, Inc., Dan Husky and Tommy Montier, be duly cited and served with a copy of same and, that after legal delays and due proceedings had there be judgment in favor of plaintiff and against defendants for a full and true sum of an amount reasonable in the premises to be proven at the trial on the merits of this matter, together with legal interest from date of judicial demand until paid, and for all costs of these proceedings, attorney's fees, punitive damages as provided for in Title VII, and all other just and equitable relief.

s/L. Clayton Burgess  
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